

## REMARKS

### I. Introduction.

Claims 1-17 are pending and stand rejected. The Office Action indicates that page 1 of the specification must be amended to include a mention of the prior provisional application. An objection was made to the drawings under 37 CFR Section 1.83(a). Claims 1-4, 13, and 14 were rejected under 35 U.S.C. Section 102(e). Various groupings of claims within Claims 1-17 were subjected to separate rejections under 35 U.S.C. Section 103(a).

### II. Priority.

The specification was amended to include a reference to the prior provisional patent application as requested.

### III. The Objection to the Drawings.

Claim 5 has been canceled without prejudice. It is expressly not admitted that the basis for the objection to the drawings was proper. Applicants may wish to pursue the subject matter of Claim 5 in the future, and will address the objection to the drawings at that time.

### IV. The 35 U.S.C. Section 102(e) Rejection.

Claims 1-4, 13, and 14 were rejected under 35 U.S.C. Section 102(c) as being anticipated by: U.S. Patent 6,170,108 issued to Knight.

Applicants respectfully request that this rejection be reconsidered and withdrawn. Claim 1 has been amended to provide that the embodiment of the scrubbing device claimed therein has an ergonomically-contoured generally wand-like shape that is intended to be held like a flashlight and has a longitudinal axis that passes through said scrubbing surface. The Knight reference discloses an electric back scrubber brush having an elongated arm with a slight curvature and a brush head that extends at right angles to one end of the elongated arm. The Knight reference does not teach or disclose a scrubbing device having the configuration specified in amended Claim 1, or its dependent claims. Therefore, this rejection should be reconsidered and withdrawn. It should be understood, that in other embodiments, the scrubbing device described in the present application may have alternative configurations.

## V. The 35 U.S.C. Section 103(a) Rejections.

### A. The Rejection of Claims 1-8, 10, 11, and 13-17.

Claims 1-8, 10, 11, and 13-17 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,423,102 issued to Madison in view of U.S. Patent 4,724,563 issued to Fry, et al.

Applicants respectfully request that this rejection be reconsidered and withdrawn. The Madison reference discloses a portable cleaning device comprising an ergonomically designed main body either having an opening to provide a hand grip (Figs. 1 and 2), or a main body that is configured to the shape of a user's hand (Fig. 6). The Fry, et al. reference discloses a device that has a similar configuration to the Knight device. Among other things, the combination of references cited does not teach or disclose, and thus does not render obvious a scrubbing device having the ergonomically-contoured generally wand-like shape having a longitudinal axis that passes through said scrubbing surface as specified in amended Claim 1, or its dependent claims.

### B. The Rejection of Claim 9.

Claim 9 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,423,102 issued to Madison in view of U.S. Patent 4,724,563 issued to Fry, et al. as applied to Claim 1, and further in view of U.S. Patent 3,316,428 issued to Hart.

The Office Action states that the prior art discloses the invention substantially as claimed with the exception of the vibration damper. The Office Action states that the patent to Hart discloses the provision of rings adjacent a motor, and that it would have been obviousness to one of ordinary skill to have provided such a means to the device of Madison to dampen out unwanted vibrations.

Applicants respectfully request that this rejection be reconsidered and withdrawn. Among other things, the combination of references cited does not teach or disclose, and thus does not render obvious a scrubbing device having the ergonomically-contoured generally wand-like shape having a longitudinal axis that passes through said scrubbing surface as specified in Claim 9, which is dependent from Claim 1. In addition, neither the Madison reference, nor the Fry, et al. reference recognizes the problem of unwanted vibrations. The Hart reference is directed to a portable rotary tool for removing accumulations of lint from textile machinery. Because the

references are directed to completely different problems, and there is no teaching or suggestion in the Madison reference or the Fry, et al. reference of the problem of unwanted vibrations, the combination of references is improper, and should be withdrawn.

C. The Rejection of Claim 1.

Claim 1 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 3,396,417 issued to Starr in view of U.S. Patent 4,724,563 issued to Fry, et al.

The Office Action states that the patent to Starr discloses the invention substantially as claimed with the exception of the casing being "waterproof". The Office Action states that it would have been obvious to one of ordinary skill to have modified the device of Starr as such so that the components therein would not be damaged.

Applicants respectfully request that this rejection be reconsidered and withdrawn. Among other things, the combination of references cited does not teach or disclose, and thus does not render obvious a scrubbing device having the ergonomically-contoured generally wand-like shape having a longitudinal axis that passes through said scrubbing surface as specified in Claim 1. Both the Starr and the Fry, et al. references disclose a devices that have a similar configuration to the Knight device.

D. The Rejection of Claims 3 and 12.

Claims 3 and 12 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 3,396,417 issued to Starr in view of U.S. Patent 4,724,563 issued to Fry, et al. as applied to Claim 1 above, and further in view of U.S. Patent 3,629,893 issued to Brown.

The Office Action states that the patent to Starr discloses the invention substantially as claimed with the exception of the casing being removable and impregnated. The Office Action states that it would have been obvious to one of ordinary skill to have modified the device of Starr as such as they are each equivalent structures or surfaces for cleaning windows.

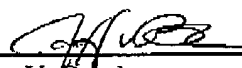
Applicants respectfully request that this rejection be reconsidered and withdrawn. Among other things, the combination of references cited does not teach or disclose, and thus does not render obvious a scrubbing device having the ergonomically-contoured generally wand-like

shape having a longitudinal axis that passes through said scrubbing surface as specified in Claims 3 and 12, which are dependent from Claim 1. The Starr, Fry, et al., and Brown references all disclose devices that have a similar configuration to the Knight device. In addition, the only disclosure in the Brown reference relative to the pad is that it "can contain cleaning solution, paste or the like". There is absolutely no disclosure in the Brown reference of a scrubbing surface that is impregnated with a controlled release technology selected from the group consisting of an emulsion polymer, a zeolite, a cyclodextrin, a starch encapsulate, a multi-layered thin film polymer, and a combination thereof, as set forth in Claim 12. The Office Action also does not indicate how a disclosure of a window cleaning composition would render obvious the claimed controlled release technology in support of the obviousness rejection of Claim 12, and, therefore, the combination of references is improper, and should be withdrawn.

VI. Summary.

In view of the foregoing, reconsideration of the rejections and allowance of all claims are respectfully requested.

Respectfully submitted,  
LUCIO PIERONI, ET AL.

By   
Jeffrey V. Bamber  
Attorney for Applicant(s)  
Registration No. 31,148  
(513) 627-4597

May 24, 2004  
Customer No. 27752  
AA-510 Response 5-2004.doc